UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/662,405	ELDUMIATI ET AL.
	Examiner	Art Unit
	Pankaj Kumar	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 September 2000_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-48_ is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1,2 and 5-48_ is/are rejected.
7)☒ Claim(s) _3 and 4_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 9

DETAILED ACTION

Claim Objections

1.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires the

original numbering of the claims to be preserved throughout the prosecution. When claims are

canceled, the remaining claims must not be renumbered. When new claims are presented, they

must be numbered consecutively beginning with the number next following the highest

numbered claims previously presented (whether entered or not).

2.   Misnumbered claims 34 to 40 have been renumbered as claims 33 to 39 since there was

no claim 33.

3.   There were three claim 40s so they have been renumbered to claims 39, 40 and 41.

4.   There were also two claim 44s so they had to be renumbered as well.

5.   The above renumbering required claims 41 to 46 to be renumbered to claims 42 to 48

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

7.   Claim is 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

8.   Claim 11 recites the limitation " the status of call waiting". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1, 2, 5- 32, 34-36, 38, 39, 40, 41, 42, 43, 45, 46, 47 are rejected under 35

U.S.C. 102(b) as being anticipated by Dudek et al. USPN 5,208,812.

11.   As per claim 1, Dudek teaches a method of establishing a connection between a first

modem and a second modem, said method comprising connecting said first modem (Dudek fig.

1: 7) and said second modem (Dudek fig. 1: 11 handset is a modem since it modulates and

demodulates voice) via a telephone line (Dudek fig. 1: telecommunications network); performing

a handshaking sequence (Dudek col. 2 line 59 to col. 3 line 20: "handshake") in which

identification data (Dudek figs. 33, 34: ID OK) is transmitted between said first modem (Dudek

fig. 1: 7) and said second modem (Dudek fig. 1: 11 handset is a modem since it modulates and

demodulates voice); and opening a primary data channel (Dudek col. 4 lines 39-40: "second

logical communication channel").

12.   As per claim 2, Dudek teaches the method of claim 1 wherein said identification data

comprises information selected from the group consisting of a platform identifier, a controller

revision, a DSP revision, and a firmware revision (Dudek paragraph 166: " ... the LID code may

identify the telepoint company or system with which the handset is registered ... ").

13.   As per claim 5, Dudek teaches the method of claim 1 further comprising optimizing said connection based on said identification data (Dudek col. 2 line 59 to col. 3 line 20: optimizing by not transmitting when system realizes that the handshake does not exist).

14.   As per claim 6, Dudek teaches a method of communicating from a first modem to a second modem comprising: opening a primary data channel (Dudek col. 7 lines 23-42: "first logic channel"); thereafter opening a second logical channel (Dudek col. 7 lines 23-42: "second logic channel"; paragraph 136: D channel); and using said second logical channel to transmit diagnostic/maintenance data (Dudek col. 7 lines 23-42: "quality of transmission of the second logical channel"; paragraph 136: D channel).

15.   As per claim 7, Dudek teaches the method of claim 6 wherein said diagnostic/maintenance data comprises customer platform identification data (Dudek paragraph 136: "The D channel code word also contains a LID field"; "the code placed in the LID field will be a base identification code (BID),").

16.   As per claim 8, Dudek teaches the method of claim 6 wherein said diagnostic/maintenance data comprises customer code revision identification data (Dudek paragraph 15: "Depending on the burst structure being used, as will be described later, each burst comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

17.   As per claim 9, Dudek teaches the method of claim 6 wherein said diagnostic/maintenance data comprises modem initialization data (Dudek col. 23 lines 65-68: "Once this synchronization has been obtained, the contents of the D channel can be decoded and the process of link initiation can begin.").

18.   As per claim 10, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises a remote query by said first modem of the responses of

said second modem to AT commands (Dudek figs. 33, 34: querying to see if ID is ok or lost).

19.   As per claim 11, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises information regarding the status of call waiting (Dudek

checking ID status of the call between the base station and the cordless phone; if the base station

receives a call, then the call is inherently waiting until the cordless phone answers the call).

20.   As per claim 12, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises remote network management information (Dudek:

handshaking requires managing information, such as ID, with a network of at least 2 devices

where one device is remote from the other device).

21.   As per claim 13, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises system configuration data (Dudek configuring for 66 or

68 bits).

22.   As per claim 14, Dudek teaches the method of claim 6 wherein said transferring step

further comprises: transmitting a command from said first modem to said second modem; and

transmitting a response from said second modem to said first modem in response to said

command (Dudek figs. 33, 34 shows communication between 11 and 3).

23.   As per claim 15, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises firmware revision data transmitted from said first modem

to said second modem (Dudek paragraph 166: " ... the LID code may identify the telepoint

company or system with which the handset is registered ... "; paragraph 15: "Depending on the

burst structure being used, as will be described later, each burst comprises either 68 bits or 66

bits."; revision between 66 bits and 68 bits).

24.   As per claim 16, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises uniquely generated call identification data (Dudek

paragraph 139: "The system controller 79 assembles the D channel code words being transmitted

by the base station 3, and examines the PID and LID fields.").

25.   As per claim 17, Dudek teaches the method of claim 16 wherein said call identification

data comprises time information (Dudek paragraph 139: "If the system controller 79 does not

detect its own PID code within a time-out period, then in step H5 the handset 11 will conclude

that the received call from the base station 3 is not intended for it, and it will return to step H1.").

26.   As per claim 18, Dudek teaches the method of claim 16 where in said call identification

data comprises information regarding the types of modems being connected (Dudek paragraph

166: " ... the LID code may identify the telepoint company or system with which the handset is

registered ... ").

27.   As per claim 19, Dudek teaches the method of claim 16 where in said call identification

data comprises information regarding which telephone line is being used (Dudek paragraph 139:

"If the system controller 79 does not detect its own PID code within a time-out period, then in

step H5 the handset 11 will conclude that the received call from the base station 3 is not intended

for it, and it will return to step H1.").

28.   As per claim 20, Dudek teaches the method of claim 6 wherein said second logical

channel is used simultaneously with said primary data channel (Dudek col. 7 lines 23-42: first

logic channel and second logic channel are being used simultaneously; col. 21 lines 27 to 34:

channels B and D are used simultaneously).

29.   As per claim 21, Dudek teaches the method of claim 20 further comprising: analyzing

said primary data channel and said second logical channel for usage; and prioritizing said

primary data channel if both said primary data channel and said second logical channel are

simultaneously used (Dudek col. 21 lines 27 to 34: B channel given priority to have the speech

data; both channels are inherently analyzed for usage; col. 35 last paragraph: amount of data

currently stored in the stores).

30.   As per claim 22, Dudek teaches the method of claim 6 further comprising transmitting

identification data on said second logical channel (Dudek col. 21 line 42: "identification ...

codes").

31.   As per claim 23, Dudek teaches the method of claim 6 wherein the

diagnostic/maintenance data is used to optimize the connection of the first modem and the

second modem (Dudek col. 2 line 59 to col. 3 line 20: optimizing by not transmitting when

system realizes that the handshake does not exist).

32.   As per claim 24, Dudek teaches the method of claim 6 further comprising sending AT

commands from the first modem to the second modem on the second logical channel; and

sending a response to said AT commands from said second modem to said first modem (Dudek

figs. 33, 34: querying to see if ID is ok or lost and also sending mux).

33.   As per claim 25, Dudek teaches the method of claim 6 further comprising sending AT

commands from the second modem to the first modem on the second logical channel; and

sending a response to said AT commands from said first modem to said second modem (Dudek

figs. 33, 34: querying to see if ID is ok or lost and also sending mux).

34.   As per claim 26, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises a remote query by said first modem of the responses of

said second modem to diagnostic query commands (Dudek figs. 33, 34: querying to see if ID is

ok or lost is from remote).

35.   As per claim 27, Dudek teaches the method of claim 6 wherein said

diagnostic/maintenance data comprises a random or pseudo-random number which indexes into

a database uniquely or pseudo-uniquely identifying the generated call conditions (Dudek

paragraph 150: "The new LID code is an arbitrarily chosen code which identifies this specific

link between the base station 3 and the handset 11."; fig. 8: arrangement of data in a data

structure).

36.   As per claim 28, Dudek teaches the method of claim 6 further comprising: sending a

query command from the first modem to the second modem on said second logical channel; and

sending a response to said query commands from said second modem to said first modem

(Dudek col. 21 lines 27 to 52: D channel; "enable one part to recognize the other"; "permit or

refuse to permit a communication link").

37.   As per claim 29, Dudek teaches the method of claim 6 further comprising: sending a

query command from the second modem to the first modem on said second logical channel; and

sending a response to said query commands from said first modem to said second modem

(Dudek col. 21 lines 27 to 52: D channel; "enable one part to recognize the other"; "permit or

refuse to permit a communication link").

38.   As per claim 30, Dudek teaches a method of identifying a modem, said method

comprising: placing a call by said modem to a remote device; entering a physical handshaking

process; transmitting a modem manufacturer parameter by said modem to said remote device

during said physical handshaking process (discussed above up to here); and completing said

physical handshaking process to establish a data communication session between said modem

and said remote device (Dudek col. 6 line 56 to col. 7 line 14: 'burst ... completed before

transmission of the next burst").

39.   As per claim 31, Dudek teaches the method of claim 30, wherein said modem

manufacturer parameter is a DSP revision of said modem (Dudek paragraph 166: " ... the LID

code may identify the telepoint company or system with which the handset is registered ... ";

paragraph 15: "Depending on the burst structure being used, as will be described later, each burst

comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

40.   As per claim 32, Dudek teaches the method of claim 30, wherein said modem

manufacturer parameter is a firmware revision of said modem (Dudek paragraph 166: " ... the

LID code may identify the telepoint company or system with which the handset is registered ...

"; paragraph 15: "Depending on the burst structure being used, as will be described later, each

burst comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

41.   As per claim 34, Dudek teaches a method of identifying a modem, said modem being in

communication with a host, said method comprising: placing a call by said modem to a remote

device (Dudek paragraph 62: "By pressing an appropriate key 33 the user can accept a call to the

handset 11 from a base station 3"); completing a physical handshaking process to establish a data

communication session between said modem and said remote device (Dudek col. 6 line 56 to col.

7 line 14: 'burst ... completed before transmission of the next burst"); establishing an error

correction process between said modem and said remote device, said error correction process

having a primary channel, for exchanging data between said host and said remote device, and a

secondary channel (Dudek paragraph 6: "an arrangement is provided in which two logical

channels are multiplexed together, with signals of one logical channel being encoded to enable

error detection, and detected errors in this logical channel being monitored and used as a measure

of the extent to which the other channel is exposed to errors."); transmitting a modem

manufacturer parameter by said modem to said remote device via said secondary channel (Dudek

paragraph 166: " ... the LID code may identify the telepoint company or system with which the

handset is registered ... ").

42.   As per claim 35, Dudek teaches the method of claim 34, wherein said modem

manufacturer parameter is a DSP revision of said modem (Dudek paragraph 166: " ... the LID

code may identify the telepoint company or system with which the handset is registered ... ";

paragraph 15: "Depending on the burst structure being used, as will be described later, each burst

comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

43.   As per claim 36, Dudek teaches the method of claim 34 wherein said modem

manufacturer parameter is a firmware revision of said modem (Dudek paragraph 166: " ... the

LID code may identify the telepoint company or system with which the handset is registered ...

"; paragraph 15: "Depending on the burst structure being used, as will be described later, each

burst comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

44.   As per claim 38, Dudek teaches a method of authenticating an identification process for

use by a modem in communication with a remote device, said method comprising: receiving a

random code by said modem from said remote device (Dudek col. 3 lines 21-30; col. 4 lines 4-19: random signal received); scrambling said random code, in accordance with a predetermined scrambling process, to generate a scrambled code (Dudek col. 3 lines 21-30: "information is coded to enable error detection"); and sending said scrambled code to said remote device to confirm compatibility (Dudek col. 3 lines 21-30; col. 4 lines 4-19: random signal sent and synchronization confirmed).

45.   As per claim 39, Dudek teaches the method of claim 38 further comprising: transmitting a modem manufacturer parameter by said modem to said remote device after said sending (Dudek paragraph 166: " ... the LID code may identify the telepoint company or system with which the handset is registered ... "; paragraph 135, 136: LID is transmitted in the D channel; D channel is transmitted after S synchronization channel; col. 22 lines 35, 39, 45: D channel, S channel: first and last 16 bits belong to D channel; central 34 bits belong to S channel).

46.   As per claim 40, Dudek teaches the method of claim 39 wherein said transmitting occurs during a physical handshaking process (Dudek paragraph 136: "The D channel code word transmitted by the base station 3 includes a PID field in which a "portable part identification" code is placed by the base station 3 identifying the specific handset 11 it wishes to contact. The D channel code word also contains a LID field, in which the base station 3 places a "link identification" code."; D channel is sent while identifying a handset to contact and thus it is still handshaking; Col. 22 lines 35, 39, 45: D channel, S channel: first and last 16 bits belong to D channel; central 34 bits belong to S channel).

47.   As per claim 41, Dudek teaches the method of claim 39 wherein said transmitting occurs after a physical handshaking process (Dudek paragraphs 135, 136: D channel is transmitted after

S channel synchronization and thus after handshaking; col. 22 lines 35, 39, 45: D channel, S

channel: first and last 16 bits belong to D channel; central 34 bits belong to S channel).

48.   As per claim 42, Dudek teaches the method of claim 39, wherein said modem

manufacturer parameter is a firmware revision of said modem (Dudek paragraph 166: " ... the

LID code may identify the telepoint company or system with which the handset is registered ...

"; paragraph 15: "Depending on the burst structure being used, as will be described later, each

burst comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

49.   As per claim 43, Dudek teaches the method of claim 39, wherein said modem

manufacturer parameter is a DSP revision of said modem (Dudek paragraph 166: " ... the LID

code may identify the telepoint company or system with which the handset is registered ... ";

paragraph 15: "Depending on the burst structure being used, as will be described later, each burst

comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

50.   As per claim 45, Dudek teaches a modem capable of providing identification data, said

modem comprising: a call module capable of placing a call to a remote device; a handshaking

module capable of entering a physical handshaking process with said remote device; and a

transmitter capable of transmitting a modem manufacturer parameter to said remote device

during said physical handshaking process; wherein, after said transmitter transmits said modem

manufacturer parameter to said remote device, said handshaking module completes said physical

handshaking process to establish a data communication session between with said remote device

(discussed above with respect to other claims).

51.   As per claim 46, Dudek teaches the modem of claim 45 wherein said modem

manufacturer parameter is a DSP revision of said modem (Dudek paragraph 166: " ... the LID

code may identify the telepoint company or system with which the handset is registered ... ";

paragraph 15: "Depending on the burst structure being used, as will be described later, each burst

comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

52.   As per claim 47, Dudek teaches the modem of claim 45, wherein said modem

manufacturer parameter is a firmware revision of said modem (Dudek paragraph 166: " ... the

LID code may identify the telepoint company or system with which the handset is registered ...

"; paragraph 15: "Depending on the burst structure being used, as will be described later, each

burst comprises either 68 bits or 66 bits."; revision between 66 bits and 68 bits).

Claim Rejections - 35 USC § 103

53.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

54.   Claims 33, 37, 44, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dudek.

55.   (103) As per claim 33, Dudek teaches the method of claim 30. What Dudek does not

teach is , wherein said modem manufacturer parameter is transmitted as part of V.8 (Dudek col.

1 first paragraph: "Aspects of the invention are useful in so called "CT2" cordless telephone

systems, and systems in accordance with the British Department of Trade and Industry

specification MPT 1375. The May 1989 version of specification MPT 1375 is incorporated

herein by reference."). It would have been obvious to one skilled in the art at the time of the

invention to modify Dudek to teach V.8 instead of MPT 1375. One would be motivated to do so

where equipment is recommended or required to comply with V.8 standards.

56.   (103) As per claim 37, Dudek teaches the method of claim 34. What Dudek does not

teach is wherein said error correction process is based on V.42 Recommendation (Dudek col. 1

first paragraph: "Aspects of the invention are useful in so called "CT2" cordless telephone

systems, and systems in accordance with the British Department of Trade and Industry

specification MPT 1375. The May 1989 version of specification MPT 1375 is incorporated

herein by reference."). It would have been obvious to one skilled in the art at the time of the

invention to modify Dudek to teach V.42 instead of MPT 1375. One would be motivated to do

so where equipment is recommended or required to comply with V.42 standards.

57.   (103) As per claim 44, Dudek teaches the method of claim 39. What Dudek does not

teach is wherein said transmitting occurs during an error correction process based on V.42

Recommendation. (Dudek col. 1 first paragraph: "Aspects of the invention are useful in so

called "CT2" cordless telephone systems, and systems in accordance with the British Department

of Trade and Industry specification MPT 1375. The May 1989 version of specification MPT

1375 is incorporated herein by reference."). It would have been obvious to one skilled in the art

at the time of the invention to modify Dudek to teach V.42 instead of MPT 1375. One would be

motivated to do so where equipment is recommended or required to comply with V.42 standards.

58.   (103) As per claim 48, Dudek teaches the modem of claim 45. What Dudek does not

teach is wherein said modem manufacturer parameter is transmitted as part of V.8. (Dudek col.

1 first paragraph: "Aspects of the invention are useful in so called "CT2" cordless telephone

systems, and systems in accordance with the British Department of Trade and Industry

specification MPT 1375. The May 1989 version of specification MPT 1375 is incorporated

herein by reference."). It would have been obvious to one skilled in the art at the time of the

invention to modify Dudek to teach V.8 instead of MPT 1375. One would be motivated to do so

where equipment is recommended or required to comply with V.8 standards.

Allowable Subject Matter

59.   Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK

MOHAMMAD H. GHAYOUR
PRIMARY EXAMINER